

WEST VALLEY CITY, UTAH

ORDINANCE NO. \_\_\_\_\_

Draft Date: 6/8/2009

Date Adopted: \_\_\_\_\_

Date Effective: \_\_\_\_\_

**AN ORDINANCE AMENDING TITLES 1, 3 10, 17 AND 23 OF  
THE WEST VALLEY CITY MUNICIPAL CODE IN ORDER TO  
INCLUDE THE NEW COMMUNITY PRESERVATION  
DEPARTMENT.**

**WHEREAS**, there is a need to amend text within Titles 1, 3, 10, 17 and 23 of the West Valley City Municipal Code in order to include the new Community Preservation Department; and

**WHEREAS**, the City Council of West Valley City, Utah, hereby determines that it is in the best interest of the citizens of West Valley City to amend Titles 1, 3, 10, 17 and 23 of the West Valley Municipal Code;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of West Valley City, Utah, as follows:

**Section 1. Amendment.** Titles 1, 3, 10, 17 and 23 of the West Valley Municipal Code are hereby amended as follows:

**1-1-102. RULES OF CONSTRUCTION.**

(1) Those persons authorized by the City or other entities to inspect businesses and enforce the provisions of all applicable regulations and ordinances include peace officers, ordinance enforcement officers, and employees designated by the department head of the Fire Department, Community and Economic Development Department, Community Preservation Department, and City Attorney's Office, and the City Manager.

**1-2-103. COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT.**

~~(1) Animal Control Division:~~

~~(a) Cat license fees:~~

~~i Altered (spayed or neutered) \$5~~

~~ii Unaltered \$35~~

~~(b) Dog license fees:~~

~~i Altered (spayed or neutered) \$8~~

~~ii Unaltered \$35~~

~~iii Altered/Micro-chipped \$5~~

~~(c) Dog or cat license fees:~~

~~i Late fee \$25~~

~~ii Senior citizen fee \$1~~

~~iii License transfer fee \$1~~

~~(d) Animal shelter impound fees:~~

~~i Dog or cat, licensed:~~

~~1. First impound \$35~~

~~On subsequent impounds within a 12 month period for the same owner or address, the fee will double on each incident.~~

51 ~~ii. Dog or cat, unlicensed:~~  
 52 ~~1. First impound — \$45~~  
 53 ~~On subsequent impounds within a 12-month period for the same~~  
 54 ~~owner or address, the fee will double on each incident.~~  
 55 ~~iii. Small livestock, small exotic, small animal, fowl, reptile:~~  
 56 ~~1. First impound — \$30~~  
 57 ~~On subsequent impounds within a 12-month period for the same~~  
 58 ~~owner or address, the fee will double on each incident.~~  
 59 ~~iv. Large livestock, large exotic, large animal:~~  
 60 ~~1. First impound — \$60~~  
 61 ~~On subsequent impounds within a 12-month period for the same~~  
 62 ~~owner or address, the fee will double on each incident.~~  
 63 ~~(e) Remove dead animal, large livestock — \$200~~  
 64 ~~(f) Transport animal to owner — \$50/trip~~  
 65 ~~(g) Boarding costs (per day) on all impounds~~  
 66 ~~i. Dog or Cat — \$10~~  
 67 ~~ii. Livestock — \$20~~  
 68 ~~(h) Adoption fees:~~  
 69 ~~i. Dog — \$30~~  
 70 ~~ii. Cat — \$15~~  
 71 ~~iii. Small animal/fowl/reptile — \$10~~  
 72 ~~iv. Small livestock/small exotic animal — \$30~~  
 73 ~~(i) Sterilization fees for redemption of impounded animals:~~  
 74 ~~i. Neutering dogs — \$50~~  
 75 ~~ii. Spaying Dogs, 00-26 lbs — \$50~~  
 76 ~~1. 27-50 lbs — \$55~~  
 77 ~~2. 51-75 lbs — \$65~~  
 78 ~~3. 76+ lbs — \$75~~  
 79 ~~iii. Neutering cats — \$25~~  
 80 ~~iv. Spaying cats — \$35~~  
 81 ~~v. Sterilization deposit — \$50~~  
 82 ~~1. The sterilization deposit, minus a \$10 processing fee, will be~~  
 83 ~~refunded if proof of sterilization is presented during the required~~  
 84 ~~time period.~~  
 85 ~~(j) Rabies fees:~~  
 86 ~~i. Dog — \$5~~  
 87 ~~ii. Cat — \$5~~  
 88 ~~(k) Microchip fee — \$20~~  
 89 ~~(l) Euthanasia — \$25~~  
 90 ~~(m) Large animal unconfined; owner fees; property owner negligence —~~  
 91 ~~\$50/hour/person, with minimum charge of \$50~~  
 92 ~~(n) Graffiti removal and weed mowing — \$50/hour/person, with minimum charge of~~  
 93 ~~\$50~~  
 94 ~~(o) Traps:~~  
 95 ~~i. Deposit — \$50~~  
 96 ~~ii. Rent — \$2/day~~  
 97 ~~(p) Pick up dead animal from owner — \$30~~  
 98 ~~(q) Pick up animal from owner for euthanasia — \$50~~  
 99 ~~(r) Copy of report — \$15~~

- ~~(s) Licensed animal brought to shelter for turnover \$20~~
- ~~(t) Unlicensed animal brought to shelter for turnover \$40~~
- ~~(u) Kennel permits, yearly \$100~~
- ~~(2)(1) Building Inspection Division:~~
- ~~(3) Ordinance Enforcement Division:~~
  - ~~(a) Abatement of injurious and noxious real property, and unsightly or deleterious objects or structures \$50/hour, with a minimum charge of \$50/person; equipment fees at current rental rates.~~
  - ~~(b) Copy of report: \$5~~
  - ~~(c) Administrative Code Enforcement (A.C.E.) Hearing Program:~~
    - ~~i. Civil abatement charge, per day per violation \$25~~
    - ~~ii. Administrative citation penalty:~~
      - ~~1. First citation, per violation up to \$100~~
      - ~~2. Second citation, per violation up to \$200~~
      - ~~3. Third citation, per violation up to \$400~~
    - ~~iii. Administrative citation penalties, Notices of Violations and Certificates of Noncompliance for rental dwelling units are found in Section 17-31-104.~~
    - ~~iv. Reinspection fee \$50~~
    - ~~v. Administrative fee \$95~~
- ~~(4)(2) Planning and Zoning Division:~~

## CHAPTER 1-2 CONSOLIDATED FEE SCHEDULE AND IMPACT FEE SCHEDULES

### Sections:

- 1-2-100P Part 1 – Consolidated Fee Schedule.
- 1-2-101. Title.
- 1-2-102. Administration.
- 1-2-103. Community and Economic Development Department.
- 1-2-104. Finance Department.
- 1-2-105. Fire Department.
- 1-2-106. Law Department.
- 1-2-107. Parks and Recreation Department.
- 1-2-108. Police Department.
- 1-2-109. Emergency Telephone Service Charge.
- 1-2-110. Public Works Department.
- 1-2-111. City Manager Authority to Amend Consolidated Fee Schedule.
- 1-2-112. Other Fees.
- 1-2-113. Community Preservation Department.
- 1-2-200P Part 2 – Impact Fee Schedules
- 1-2-201. Title.
- 1-2-202. Drainage Impact Fees.
- 1-2-203. Park Impact Fees.
- 1-2-204. Road Impact Fees.
- 1-2-205. Fire Impact Fees.
- 1-2-206. Police Impact Fees.

### **1-2-113. COMMUNITY PRESERVATION DEPARTMENT.**

- (1) Animal Control Division:
- (a) Cat license fees:
- i. Altered (spayed or neutered) - \$5
- ii. Unaltered - \$35
- (b) Dog license fees:
- i. Altered (spayed or neutered) - \$8
- ii. Unaltered - \$35
- iii. Altered/Micro-chipped - \$5
- (c) Dog or cat license fees:
- i. Late fee - \$25
- ii. Senior citizen fee - \$1
- iii. License transfer fee - \$1
- (d) Animal shelter impound fees:
- i. Dog or cat, licensed:
1. First impound - \$35
- On subsequent impounds within a 12-month period for the same owner or address, the fee will double on each incident.
- ii. Dog or cat, unlicensed:
1. First impound - \$45
- On subsequent impounds within a 12-month period for the same owner or address, the fee will double on each incident.
- iii. Small livestock, small exotic, small animal, fowl, reptile:
1. First impound - \$30
- On subsequent impounds within a 12-month period for the same owner or address, the fee will double on each incident.
- iv. Large livestock, large exotic, large animal:
1. First impound - \$60
- On subsequent impounds within a 12-month period for the same owner or address, the fee will double on each incident.
- (e) Remove dead animal, large livestock - \$200
- (f) Transport animal to owner - \$50/trip
- (g) Boarding costs (per day) on all impounds
- i. Dog or Cat - \$10
- ii. Lifestock - \$20
- (h) Adoption fees:
- i. Dog - \$30
- ii. Cat - \$15
- iii. Small animal/fowl/reptile - \$10
- iv. Small livestock/small exotic animal - \$30
- (i) Sterilization fees for redemption of impounded animals:
- i. Neutering dogs - \$50
- ii. Spaying Dogs, 00-26 lbs - \$50
1. 27-50 lbs - \$55
2. 51-75 lbs - \$65
3. 76 + lbs - \$75
- iii. Neutering cats - \$25
- iv. Spaying cats - \$35
- v. Sterilization deposit - \$50

1. The sterilization deposit, minus a \$10 processing fee, will be refunded if proof of sterilization is presented during the required time period.
- (j) Rabies fees:
  - i. Dog - \$5
  - ii. Cat - \$5
- (k) Microchip fee - \$20
- (l) Euthanasia - \$25
- (m) Large animal unconfined; owner fees; property owner negligence - \$50/hour/person, with minimum charge of \$50
- (n) Graffiti removal and weed mowing - \$50/hour/person, with minimum charge of \$50
- (o) Traps:
  - i. Deposit - \$50
  - ii. Rent - \$2/day
- (p) Pick up dead animal from owner - \$30
- (q) Pick up animal from owner for euthanasia - \$50
- (r) Copy of report - \$15
- (s) Licensed animal brought to shelter for turnover - \$20
- (t) Unlicensed animal brought to shelter for turnover - \$40
- (u) Kennel permits, yearly - \$100
- (2) Ordinance Enforcement Division:
  - (a) Abatement of injurious and noxious real property, and unsightly or deleterious objects or structures - \$50/hour, with a minimum charge of \$50/person; equipment fees at current rental rates.
  - (b) Copy of report - \$5
  - (c) Administrative Code Enforcement (A.C.E.) Hearing Program:
    - i. Civil abatement charge, per day per violation - \$25
    - ii. Administrative citation penalty:
      1. First citation, per violation – up to \$100
      2. Second citation, per violation – up to \$200
      3. Third citation, per violation – up to \$400
    - iii. Administrative citation penalties, Notices of Violations and Certificates of Noncompliance for rental dwelling units are found in Section 17-31-104.
    - iv. Reinspection fee - \$50
    - v. Administrative fee - \$95
  - (d) Administrative Code Enforcement (A.C.E.) for Rental Dwelling Units:
    - i. First citation, per violation - \$200 minimum up to \$500 maximum
    - ii. Second citation, per violation, per license year - \$500 minimum up to \$1,000 maximum
  - (e) Administrative Citation Penalties for Rental Dwelling Unit(s) owned by a corporation, partnership or association:
    - i. First citation, per violation - \$500 minimum up to \$1,000.00 maximum
    - ii. Second citation, per violation, per license year - \$750 minimum up to \$2,000.00 maximum
  - (f) Penalties for Notices of Violations (NOV) and Certificates of Noncompliance for Rental Dwelling Unit(s) owned by one or more individuals:
    - i. First Certificate of Noncompliance or Level I NOV, per violation, per

- day - \$200 minimum up to \$500 maximum
- ii. Second Certificate of Noncompliance or Level II NOV, per violation, per day, per license year - \$500 minimum up to \$1,000 maximum
- (g) Penalties for Notices of Violations (NOV) and Certificates of Noncompliance for Rental Dwelling Unit(s) owned by a corporation, partnership or association:
- i. First Certificate of Noncompliance or Level I NOV, per violation, per day - \$500 minimum up to \$1,000.00 maximum
- ii. Second Certificate of Noncompliance or Level II NOV, per violation, per day, per license year - \$750 minimum up to \$5,000.00 maximum

### 3-2-102. CITY MANAGER.

(1) The City Manager is the Chief Executive Officer of the City and has the following powers and duties:

- (a) To faithfully execute and enforce all applicable laws, ordinances, rules, and regulations and to see that all franchises, leases, permits, contracts, licenses, and privileges granted by the City are observed.
- (b) To carry out the policies and programs established by the City Council.
- (c) To organize and direct the management of the executive affairs of the City in a manner consistent with state law and City ordinances.
- (d) To appoint a budget officer who shall be the Finance Director, for the purpose of complying with the requirements of the Uniform Municipal Fiscal Procedures Act.
- (e) To appoint, with the advice and consent of the City Council, a qualified person to each of the offices of Assistant City Manager, City Recorder, City Treasurer, Administrative Services Director, Communications Director, Community and Economic Development Director, Community Preservation Director, Finance Director, Fire Chief, City Attorney, Parks and Recreation Director, Chief of Police, City Engineer, and Public Works Director; to create any other offices as may be deemed necessary for the good government of the municipality; and to regulate and prescribe the powers and duties of all other officers of the City, except as provided by law or by ordinance.

## CHAPTER 3-13 COMMUNITY PRESERVATION DEPARTMENT

Sections:

- 3-13-101. Duties of Community Preservation Department Director.
- 3-13-102. Community Preservation Department.
- 3-13-103. ~~Code~~ Ordinance Enforcement Division.
- 3-13-104. Animal ~~Services~~ Control Division.
- 3-13-105. Housing and Grants Division.

### 3-13-102. COMMUNITY PRESERVATION DEPARTMENT.

The Community Preservation Department is divided into the ~~Code~~ Ordinance Enforcement Division, Animal ~~Services~~ Control Division, and Housing and Grants Division.

### 3-13-103. ~~CODE~~ ORDINANCE ENFORCEMENT DIVISION.

The ~~Code~~ **Ordinance** Enforcement Division is supervised by the ~~Code~~ Enforcement Administrator. It consists of:

(1) The ~~Code~~ **Ordinance** Enforcement Office, which is responsible for:

- (a) Enforcing or assisting in the enforcement of the City code including: zoning, business licensing, health ordinances, and non-moving violations. The ~~Code~~ Enforcement Administrator shall coordinate all ordinance enforcement within the City.

### **3-13-104. ANIMAL ~~SERVICES~~ CONTROL DIVISION.**

The Animal ~~SerVICES~~ **Control** Division is supervised by the Animal ~~SerVICES~~ **Control** Administrator.

(1) The Animal ~~SerVICES~~ **Control** Division is responsible for:

### **10-1-110. DEFINITIONS APPLICABLE TO TITLE GENERALLY.**

(17) "~~Ordinance Enforcement~~ **Animal Control** Administrator" means the supervisor of the ~~Ordinance Enforcement and Animal Control Division~~, established in Chapter 3-13 of the City Code.

(18) "Ordinance Enforcement Administrator" means the supervisor of the Ordinance Enforcement Division, established in Chapter 3-13 of the City Code.

~~(18)~~(19) "Person" means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, sergeant, officer, or employee of any of them, or any other entity that is recognized by law as the subject of rights or duties.

~~(19)~~(20) "Property Owner" means the record owner of real property based on the county assessor's records.

~~(20)~~(21) "Public Nuisance" means any condition caused, maintained, or permitted to exist that constitutes a threat to the public's health, safety, and welfare, or that significantly obstructs, injures, or interferes with the reasonable or free use of property in a neighborhood or community or by any considerable number of persons. A public nuisance also has the same meaning as set forth in the Utah Code Annotated.

~~(21)~~(22) "Responsible Person" means a person who is responsible for causing or maintaining a violation of the City Code or applicable state codes. The property owner, tenant, person with a legal interest in the real property, or person in possession of the real property shall be liable for any violation maintained on the property. In all cases, the property owner shall be considered a Responsible Person.

~~(22)~~(23) "Written" includes handwritten, typewritten, photocopied, computer printed, or facsimile.

### **17-1-101. DEFINITIONS.**

(39) "Ordinance Enforcement Office" means the Ordinance Enforcement Office of the ~~Ordinance Enforcement and Animal Control Division of the West Valley City Community and Economic Development~~ **Community Preservation** Department.

### **17-31-104. PENALTY.**

(1) Any person or party who violates the provisions of this Chapter shall be guilty of a Class

"B" misdemeanor.

~~(2) Administrative Citation Penalties for Rental Dwelling Unit(s) owned by one or more individuals:~~

~~(a) First citation, per violation up to \$500~~

~~(b) Second citation, per violation, per license year up to \$1,000~~

~~(3) Administrative Citation Penalties for Rental Dwelling Unit(s) owned by a corporation, partnership or association:~~

~~(a) First citation, per violation up to \$2,000.00.~~

~~(b) Second citation, per violation, per license year up to \$5,000.00.~~

~~(4) Penalties for Notices of Violations (NOV) and Certificates of Noncompliance for Rental Dwelling Unit(s) owned by one or more individuals:~~

~~(a) First Certificate of Noncompliance or Level I NOV, per violation, per day up to \$500.~~

~~(b) Second Certificate of Noncompliance or Level II NOV, per violation, per day, per license year up to \$1,000.~~

~~(5) Penalties for Notices of Violations (NOV) and Certificates of Noncompliance for Rental Dwelling Unit(s) owned by a corporation, partnership or association:~~

~~(a) First Certificate of Noncompliance or Level I NOV, per violation, per day up to \$1,000.00~~

~~(b) Second Certificate of Noncompliance or Level II NOV, per violation, per day, per license year up to \$5,000.00.~~

~~(6)~~(2) Good Landlord Program Violations:

## **23-1-102. DEFINITIONS**

(3) Animal Control Administrator means the ~~Ordinance Enforcement~~/Animal Control Administrator of the ~~Ordinance Enforcement~~/Animal Control Division of West Valley City.

(4) Animal Control Division means the ~~Ordinance Enforcement~~/Animal Control Division of the West Valley City Community and Economic Development **Preservation** Department.

## **23-2-102. POWERS OF ANIMAL CONTROL OFFICIALS.**

(1) The Animal Control Administrator or any person employed by the ~~Ordinance Enforcement~~/Animal Control Division as an Animal Control Officer shall take the oath of office and shall be vested with the power and authority to enforce this Title.

## **23-5-109. PLACES PROHIBITED TO ANIMALS.**

(3) This section shall not apply when the City Council, upon recommendation of the Community and Economic Development **Preservation** Department and subject to such conditions as are established as such, shall determine that the public health, safety, and welfare are best served by the maintenance of an animal or animals in the prohibited areas.

## **23-6-106. ADOPTION OF DOMESTICATED ANIMALS.**

(1) Any domesticated animal impounded or relinquished by its owner to the City may be made available to the public for adoption, at the discretion of the Animal Control Administrator. Adoptions shall meet the following minimum requirements:

(a) If the animal was impounded, it must be held for a minimum of three working days prior to being eligible for adoption. Animals that have been signed over to



- the City by their owners are eligible for adoption immediately.
- (b) The animal must be of a suitable age, type, and temperament for adoption, as determined by the Animal Control Administrator.
- (c) The animal must be free from signs of illness, serious injury, or aggressive behavior.
- (d) The person desiring to adopt the animal shall complete an adoption questionnaire provided by the Animal Control Division, and shall be interviewed by a member of the Division regarding the adoption process and fees, responsible pet owner practices, and Animal Control ordinances. The interview may include an inspection of the animal's proposed living area and conditions. The adoption may be refused if, based upon the information supplied in the questionnaire and interview process, the Animal Control Administrator believes that the adoption would not be in the best interests of the adopting person or the animal.
- (e) The decision of the Animal Control Administrator may be appealed to the City Community and Economic Development Preservation Director. The Director shall issue a written decision within 30 days of the appeal. The decision of the Community and Economic Development Preservation Director may be appealed to District Court.
- (f) Prior to receiving custody of the animal, the adopting person must pay any applicable fees, which may include an adoption fee and license fee.
- (g) If, at the end of the impoundment period, the individual or entity against whom the decision and order of the Community and Economic Development Preservation Director was issued has not complied with the order or petitioned District Court for a review of said order, the Animal Control Division shall cause the dog to be destroyed in a humane manner.

**Section 2. Repealer.** Any provision of the West Valley City Code found to be in conflict with this Ordinance is hereby repealed.

**Section 3. Severability.** If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 4. Effective Date.** This Ordinance shall take effect immediately upon posting in the manner required by law.

**PASSED and APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

WEST VALLEY CITY

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_

## CITY RECORDER